

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR ARBITRATION BETWEEN A LOCAL LAW  
5 ENFORCEMENT ORGANIZATION OR ITS EXCLUSIVE REPRESENTATIVE AND A PUBLIC EMPLOYER; AND  
6 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Arbitration between local law enforcement organization and public**  
11 **employer -- definition.** (1) [Sections 1 through 6] apply only to a local law enforcement organization and  
12 the organization's public employer.

13 (2) If an impasse is reached in the course of collective bargaining between a local law enforcement  
14 organization or its exclusive representative and a public employer and if the procedures for mediation and  
15 factfinding in 39-31-307 through 39-31-310 have been exhausted, either party or both jointly may petition  
16 the board of personnel appeals for final and binding arbitration.

17 (3) As used in [sections 1 through 6], "local law enforcement organization" means municipal police  
18 officers governed by Title 7, chapter 32, part 41, and deputy county sheriffs.

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20 NEW SECTION. **Section 2. Designation of arbitrator.** Within 3 days of the receipt of a petition for  
21 final and binding arbitration, the board of personnel appeals shall submit to the parties a list of five qualified  
22 and disinterested arbitrators. From the list submitted by the board, the parties shall alternately strike two  
23 names. The remaining person must be designated as the arbitrator. The parties shall notify the board of  
24 the designated arbitrator within 5 days of the receipt of the list.

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26 NEW SECTION. **Section 3. Powers and duties of arbitrator for local law enforcement organization**  
27 **and public employer.** (1) The arbitrator shall establish dates and a place for hearings and may subpoena  
28 witnesses and require the submission of evidence necessary to resolve the impasse between a local law  
29 enforcement organization or its exclusive representative and a public employer.

30 (2) Prior to making a determination on any issue relating to the impasse, the arbitrator may refer

1 the issues back to the parties for further negotiation.

2 (3) At the conclusion of the hearings, the arbitrator shall require the parties to submit their  
3 respective final position on matters in dispute.

4 (4) The arbitrator shall make a just and reasonable determination of which final position on matters  
5 in dispute will be adopted within 30 days of the commencement of the arbitration proceedings. The  
6 arbitrator shall notify the board of personnel appeals and the parties, in writing, of the determination.

7 (5) In arriving at a determination, the arbitrator shall consider any relevant circumstances,  
8 including:

9 (a) comparison of hours, wages, and conditions of employment of the employees involved with  
10 employees performing similar services and with other services generally;

11 (b) the interests and welfare of the public and the financial ability of the public employer to pay;

12 (c) appropriate cost-of-living indices; and

13 (d) any other factors traditionally considered in the determination of hours, wages, and conditions  
14 of employment.

15 (6) The determination of the arbitrator is final and binding and is not subject to the approval of any  
16 governing body.

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18 NEW SECTION. **Section 4. Collective bargaining permitted during arbitration.** Nothing prohibits  
19 the parties to the impasse from reaching an agreement prior to the rendering of a determination by the  
20 arbitrator.

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22 NEW SECTION. **Section 5. Strikes limited.** Strikes are prohibited during the term of any contract  
23 and during the negotiations or arbitration of that contract.

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25 NEW SECTION. **Section 6. Cost of arbitration.** The cost of arbitration must be shared equally by  
26 the local law enforcement organization or its exclusive representative and the public employer.

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28 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 6] are intended to be  
29 codified as an integral part of Title 39, and the provisions of Title 39 apply to [sections 1 through 6].

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